

February 10, 2020

POTTSTOWN BOROUGH COUNCIL

The regular meeting of the Pottstown Borough Council was called to order on Monday, February 10, 2020 at 7:00 p.m. in the Council Meeting Room, Pottstown Borough Hall, 100 East High Street, Pottstown, Pennsylvania, with President Weand in the Chair.

CALL TO ORDER

INVOCATION

President Weand requested a moment of silence.

PLEDGE OF ALLEGIANCE

ROLL CALL

Councilors present were Ryan Procsal, Lisa Vanni, Donald Lebedynsky, Trenita Lindsay, Dan Weand and Michael Paules. Also present were Manager Justin Keller, Solicitor Charles Garner, and Borough Secretary Virginia Takach. Councilor Kirkland and Mayor Henrick were absent.

APPROVAL OF MINUTES

- a. Reorganization Meeting - Motion by Councilor Lebedynsky, seconded by Councilor Lindsay to approve the January 6, 2020 Council Reorganization meeting minutes as presented. Motion carried: 6 ayes.
- b. Council Meeting – Motion by Councilor Lebedynsky, seconded by Councilor Lindsay to approve the January 13, 2020 regular Council meeting minutes as presented. Motion carried: 6 ayes.

PRESENTATION – SWEARING IN – FIRE POLICE, MATT RYAN

President Weand read the Oath of Office and swore in Matthew Ryan as Pottstown Fire Police Officer, in the presence of Chief Frank Hand, Manager Keller, his family and fellow officers.

COMMENTS FROM CITIZENS PRESENT

- a. William Bransfield, 1027 Hale Street – expressed a concern regarding a water problem. He stated that a neighbor on Washington Street ran a pipe, several years ago, that comes to his back yard and then into Master Street. Mr. Bransfield recalls the neighbor digging a trowel, which resulted in damages to his property and his neighbors.

President Weand noted that Staff is working on this issue and will be contacting Mr. Bransfield.

SUBCOMMITTEE REPORTS

- a. Finance & Administration – President Weand advised that the General Fund revenues are at

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110% with a projected 94% and expenses are at 104%. He also advised that taxes collected stand at 100% with 94% budgeted. The auditors have begun the audit process and two property transfers under the assessed bench mark of \$150,000 are under review with the School District. President Weand also reported that there was an assessment loss of \$3 million. There were no new Lerta applications for the month.

BOARDS AND COMMITTEE REPORTS

a. EAC – Mr. Derr noted there was no meeting.

a. Regional Planning – Councilor Procsal advised that a discussion took place regarding chicken keeping and the regional ordinances. He added that the High Street corridor parking was also discussed.

b. Blighted Property – Councilor Procsal noted that there was no meeting.

UNFINISHED BUSINESS

None.

NEW BUSINESS

a. 67 Walnut Street - Motion by Councilor Vanni, seconded by Councilor Procsal to grant the request of Paula and Robert Bickelman to waive the requirement of a Conditional Use hearing and authorize the Solicitor to send a letter of support to the Zoning Hearing Board regarding the property located at 67 Walnut Street.

Solicitor Garner explained that the applicant is seeking a waiver of the Conditional Use requirement due to the absence of 100 square feet in the living space and requesting to forward this to the Zoning Hearing Board for a variance.

Motion carried: 6 ayes

b. Zoning Ordinance Amendment - Motion by Councilor Procsal, seconded by Councilor Lebedynsky to authorize the Solicitor to prepare ordinance amendments and advertise a Public Hearing regarding revisions to the Zoning Ordinance, to address parking requirements in the downtown, amend regulations for swimming pools and flood plains. Motion carried: 6 ayes.

c. Stormwater and Master Traffic Ordinance Amendments - Motion by Councilor Procsal, seconded by Councilor Lindsay to authorize the Solicitor to prepare and advertise an ordinance amending plumbing regulations, changes to Grading and Stormwater Management Ordinance and Master Traffic Ordinance. Motion carried: 6 ayes.

d. Fee Resolution Amendment/RTK - Motion by Councilor Lebedynsky, seconded by Councilor Procsal to adopt a Resolution amending the Fee Schedule to amend certain fees associated with the Right to Know Law and Open Records Policy and as authorized by the Pennsylvania Office of Open Records.

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RESOLUTION NO. 2020-4

A RESOLUTION AMENDING THE FEE SCHEDULE OF THE BOROUGH OF POTTSTOWN TO AMEND CERTAIN FEES ASSOCIATED WITH RIGHT-TO-KNOW REQUESTS.

WHEREAS, the Burgess and Town Council of the Borough of Pottstown has adopted a Comprehensive Fee Schedule on July 10, 1995; and

WHEREAS, the Borough periodically reviews the Fee Schedule to determine if additions and amendments to the Fee Schedule are necessary and appropriate; and

WHEREAS, the Borough has previously adopted a Resolution adopting an Open Records Access Policy, which Resolution included fees to be charged under the Right-to-Know Law; and

WHEREAS, the Borough wishes to update and modify its fees associated with Right-to-Know Requests as permitted by the State Office of Open Records.

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the Burgess and Town Council of the Borough of Pottstown, Montgomery County, Pennsylvania, as follows:

SECTION 1. The following fees associated with Right-to-Know Requests shall be amended and/or created to read as follows:

- A. Black and White Copies – Cost per page - \$0.25 per copy
- B. Color Copies – Cost per page - \$0.50 per copy
- C. Specialized Documents – Actual Cost
- D. CD/DVD - \$3.00 per disc
- E. Flash Drive – Actual Cost
- F. Facsimile – Actual Cost
- G. Other Media – Actual Cost
- H. Conversion to Paper - \$0.25 per page
- I. Postage – Actual Cost of USPS First-Class postage
- J. Certification - \$5.00 per document/record
- K. In the event the estimated cost of fulfilling a request is expected to exceed \$100.00, the

Open Records Officer shall obtain the expected cost in advance of fulfilling the request to avoid unwanted expense of Borough resources. Thereafter, the Open Records Officer shall notify the person or entity requesting the copies of the records and copies will not be made available until the cost of the copies, as estimated by the Borough Open Records Officer, is paid in advance. Either a supplemental bill or a refund shall be made if the actual costs are different than the Borough's estimate.

SECTION 2. All future modifications of these and other fees established by the comprehensive Fee Schedule shall be made by Resolution from time to time, duly adopted by the Burgess and Town Council of the Borough of Pottstown. Any and all Resolutions or portions of Resolutions inconsistent with this Resolution are repealed. All other fees as set forth in the Borough Fee Schedule are re-affirmed.

SECTION 3. This Resolution shall become effective immediately upon enactment.

ENACTED and RESOLVED this 10th day of February 2020.

Motion carried: 6 ayes.

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e. Destruction of Records - Motion by Councilor Lebedynsky, seconded by Councilor Lindsay to adopt a Resolution authorizing the destruction of certain municipal records pursuant to the Municipal Records Manual as amended March 28, 2019.

RESOLUTION NO. 2020-5

A RESOLUTION OF THE BURGESS AND TOWN COUNCIL OF THE BOROUGH OF POTTSTOWN, AUTHORIZING THE DESTRUCTION OF CERTAIN MUNICIPAL RECORDS BY THE BOROUGH FINANCE/TAX, ADMINISTRATION, LICENSING AND INSPECTION, PARKS AND RECREATION, UTILITIES, AND POLICE DEPART-MENTS, PURSUANT TO THE MUNICIPAL RECORDS MANUAL AS AMENDED MARCH 28, 2019.

WHEREAS, by virtue of Resolution No. 2009-24, adopted July 13, 2009, incorporation and modifying Resolution No. 2004-36, the Borough of Pottstown declared its intent to follow the schedules and procedures for disposition of records as set forth in the Municipal Records Manual approved December 16, 2008 and as amended March 28, 2019; and

WHEREAS, in accordance with the Act 428 of 1968, each individual act of disposition shall be approved by Resolution of the governing body; and

WHEREAS, the Borough of Pottstown, through its Finance/Tax Department, Administration Department, Licensing and Inspection Department, Parks and Recreation Department, Utilities Department, and Police Department have accumulated certain records that no longer need to be retained pursuant to Borough guidelines and the requirements of the Municipal Records Manual; and

WHEREAS, the Burgess and Town Council of the Borough of Pottstown does further authorize the Borough Manager or those designated by the Borough Manager, to destroy the original copies of certain public records in accordance with the aforesaid requirements, formally declaring that said records that are to be disposed of, have no administrative, legal, or historical significances beyond the terms of retention as set forth in the Municipal Records Manual.

NOW, THEREFORE, BE IT and IT IS HEREBY RESOLVED by the Burgess and Town Council of the Borough of Pottstown, and it is hereby ENACTED and RESOLVED by the authority of same as follows:

SECTION 1. The Burgess and Town Council of the Borough of Pottstown hereby approves the following requests to allow for the destruction of municipal records as fully described in Exhibit "A" which is attached hereto and incorporated herein.

SECTION 2. The Borough Departments above described may utilize a third-party contractor for the document shredding and destruction to remove said records under a controlled environment as and when approved by the Borough Manager. At the conclusion of the process, the document shredding and destruction company shall provide to the Borough a Certificate of Destruction.

SECTION 3. All future requests to destroy municipal records pursuant to State Law and Borough policy shall be approved by Resolution enacted by the Borough Council.

ENACTED and RESOLVED and this 10th day of February A.D., 2020.

Motion carried: 6 ayes.

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f. Montco 2040 - Motion by Councilor Lindsay, seconded by Councilor Lebedynsky to adopt a Resolution authorizing the submission of a grant application for the Montco 2040 Implementation Grant Program, in the amount of \$200,000, to enhance the Colebrookdale Railroad, the Pottsgrove Manor and the Memorial Park attractions.

RESOLUTION NO. 2020-6

A RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION
FOR THE MONTCO 2020 IMPLEMENTATION GRANT PROGRAM

Whereas, Montgomery County has established the Montco 2040 Implementation Grant Program as a competitive funding program to assist municipalities in implementing the goals of the county comprehensive plan, *Montco 2040: A Shared Vision*; and

Whereas, the County is accepting applications for projects that advance specific goals under either of the county comprehensive plan's three themes: Connecting Communities; Sustainable Places, and a Vibrant Economy; and

Whereas, applications and projects must meet all stated requirements within the Montco 2040 Implementation Grant Program Guidebook: and

Whereas, the Borough of Pottstown wishes to obtain \$200,000 from the Montco 2040 Implementation Grant Program to provide funding for ADA-compatible connections between and within Memorial Park to the County-owned historic site Pottsgrove Manor, the Colebrookdale Railroad, and the Park's recreation and tourism attractions; and

Whereas, the Colebrookdale Railroad has raised over \$1.2 Million for the Memorial Park Connectivity project and will additionally match dollar-for-dollar the County's contribution through the Montco 2040 Implementation Grant Program.

ENACTED AND RESOLVED, this 10th day of February 2020.

Motion carried: 6 ayes.

g. Audit Services - Motion by Councilor Procsal, seconded by Councilor Lebedynsky to accept the proposal of Maillie LLP, dated November 25, 2019, to conduct the Borough of Pottstown's Financial Audit for the years 2020, 2021 and 2022 in amounts not to exceed \$75,000, \$76,500 and \$78,000 respectively, as recommended by the Finance Committee. Motion carried: 6 ayes.

h. HARB - Motion by Councilor Lebedynsky, seconded by Councilor Procsal to readvertise the HARB meetings for 6:00 p.m., the third Wednesday of the month, subject to confirmation of the Historical Architectural Review Board. Motion carried: 6 ayes

i. KEEP Alternate Member - Motion by Councilor Procsal, seconded by Councilor Lindsay to appoint Carol Kulp as the Alternate member of the Keystone Employment and Economic Plan (KEEP). Motion carried: 6 ayes.

j. HARB Appointment - Motion by Councilor Lebedynsky, seconded by Councilor Procsal to appoint Thomas Hylton to the Historic Architectural Review Board to fill a vacant term to expire April 1, 2024. Motion carried: 6 ayes.

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k. Planning Commission Appointment – Motion by Councilor Procsal, seconded by Councilor Lebedynsky to reappoint Thomas Hylton to the Pottstown Planning Commission for a four (4) year term to expire February 1, 2024. Motion carried: 6 ayes.

President Weand commented that the same member will serve on HARB and the Planning Commission, which is the path that Council and Staff have been seeking.

Solicitor Garner added that Andrew Monastra also serves on both boards.

l. Hill School Street Closure - Motion by Councilor Lindsay, seconded by Councilor Lebedynsky to grant the request of The Hill School to close a portion of Beech Street on May 23, 2020, 8:00 a.m. – 1:00 p.m. for its commencement exercises, subject to review and approval of the Police and Fire Departments. Motion carried: 6 ayes.

m. Red Horse Car/Bike Show - Motion by Councilor Procsal, seconded by Councilor Lebedynsky to grant the request of the Red Horse Motoring Club to close a portion of Third Street on April 18, 2020, 8:00 a.m. – 4:00 p.m., to hold a car/bike show to benefit the Veterans' Island Project, subject to review and approval of the Police and Fire Departments. Motion carried: 6 ayes.

n. Red Horse Car 2020 Show - Motion by Councilor Lebedynsky, seconded by Councilor Procsal to grant request of the Red Horse Motoring Club to conduct outdoor car shows resulting in the closing of High Street from York to Evans Streets, and Hanover and Charlotte Streets from King to South Street, from 4:00 p.m. – 9:00 p.m. on the following dates: May 2, June 6, July 11, August 1 and September 5, 2020, subject to review and approval of the Police and Fire Departments and execution of a Hold Harmless Agreement.

Councilor Lindsay commented that in the past few years, certain merchants have expressed concerns regarding the street closures and recommended that a letter or email be provided to the downtown merchants.

Mr. Keller noted that Staff does not typically serve notices on the merchants but agreed to reach out to Lastick Furniture and to post on the electronic boards. He also advised that the motion is subject to approval of the Police and Fire Departments.

Motion carried: 6 ayes.

o. Red Horse Beer Gardens - Motion by Councilor Procsal, seconded by Councilor Lindsay to grant the request of the Red Horse Motoring Club to hold beer gardens in Smith Family Plaza from 4:00 p.m. – 9:00 p.m. during the 2020 car shows, subject to review and approval of the Police and Fire Departments and compliance with the Liquor Control Board regulations. Motion carried: 6 ayes.

REPORT OF BILLS – Motion by Councilor Lindsay, seconded by Councilor Lebedynsky to pay the bills in the amount of \$2,655,820.13 Motion carried: 6 ayes.

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ANNOUNCEMENTS

Councilor Lindsay advised that she attended the Fair Districts Meeting on February 8th and the discussion included having one or two state representatives and one or two senators for the Borough of Pottstown.

President Weand commented that he would be in favor of not splitting the town with two different state representatives and two different senators.

Councilor Vanni thanked Evan Brandt for the recent article on the progress of Pottstown. She noted that the article circulated through Downingtown and Douglassville.

ADJOURNMENT

President Weand adjourned the meeting at 7:30 p.m.

Submitted by,

Justin M. Keller
Borough Manager